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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,821	03/25/2004	Yojiro Matsuda	1232-5357	6590
27123	7590	12/14/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			TRA, TUYEN Q	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,821	Applicant(s) MATSUDA, YOJIRO	
	Examiner Tuyen Q. Tra	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakanishi (U.S. Pat 6750844 B2).

a) With respect to claim 1, Nakanishi discloses a electrophoretic display device and process for production thereof in Figure 3 comprising of charged particles (not shown) located on a first substrate (item 18) and a second substrate (item 14) enclosing charged particles (item 6) mixed with insulating liquid (item 17) there between; and a pair of electrodes (items 13 or item 13 and 12) disposed on second substrate to move the charged particles (16) parallel to first and second substrate (14) by applying an electrical signal, wherein a portion of the charged particles (16) covering the second substrate determines plurality of display states recognized from above the first substrate (18))(col. 8, lines 23-30); wherein a luminescent layer disposed on the second substrate (11) and a portion of the luminescent layer not cover by the charged particles emits visible light to maintain an image (item 8)(col. 7, lines 9-22).

b) With respect to claim 2-5, Nakanishi further discloses wherein the fluorescent material forms an area that absorbs invisible light and emits visible light; wherein the

Art Unit: 2873

plurality of display states comprises a state where the area is covered with the charged particles, and a state where the area is exposed; wherein the charged particles contain a material that absorbs light in a wavelength range that excites a fluorescent material or luminous material; wherein the charged particles contain a material that absorbs a light in a wavelength range corresponding to emission light from a fluorescent material (col. 3, lines 38-46).

b) With respect to claim 6-9, Nakanishi further discloses wherein the substrate has a reflecting surface which reflects visible light from above the substrate, and wherein the fluorescent material or luminous material is located to cover the reflecting surface; wherein the substrate has a partition to enclose the charged particles to each display element, and the partition contains a fluorescent material or luminous material; wherein the display device further comprises a container located on the substrate, and a transparent liquid held in the container, wherein the charged particles are held in the transparent liquid.

Response to Amendment

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Allowable Subject Matter

4. Claims 10-11 allowed.

The following is a statement of reasons for the indication of allowable subject matter: a second electrode disposed on the second substrate, a luminescent layer disposed on the second substrate; a first electrode disposed on the luminescent layer exposing a portion of the luminescent layer discloses in the claim not found in prior art.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (571) 272-2343. The examiner can normally be reached on Monday to Thursday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps, can be reached on (571) 272 - 2328. The fax number for this Group is (703) 872-9306.

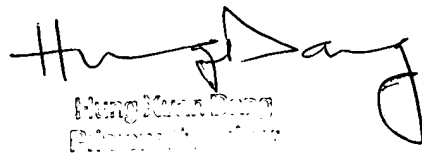
Application/Control Number: 10/808,821

Page 5

Art Unit: 2873

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November 29, 2005


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November 29, 2005